

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Civil Action No.: 7:15-cv-00132-FL

MARVIN N. MCFADYEN,

Plaintiff,

vs.

NEW HANOVER COUNTY; NEW HANOVER
COUNTY BOARD OF ELECTIONS; NORTH
CAROLINA STATE BOARD OF ELECTIONS;
JOSHUA B. HOWARD, in his official capacity;
RHONDA K. AMOROSO, in her official capacity;
JOSHUA D. MALCOLM, in his official capacity;
PAUL J. FOLEY, in his official capacity; and
MAJA KRICKER, in her official capacity,

Defendants.

CONSENT ORDER

This matter is before the Court on Plaintiff's Consent Motion to Dismiss his Third Claim for Relief, for declaratory judgment, only as against Defendants North Carolina State Board of Elections; Joshua B. Howard, in his official capacity; Rhonda K. Amoroso, in her official capacity; Joshua D. Malcolm, in his official capacity; Paul J. Foley, in his official capacity; and Maja Kricker, in her official capacity. These Defendants consent to the Motion. The Court has reviewed Plaintiff's Motion and concludes that the terms of dismissal are proper.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Dismiss the Third Claim for Relief against Defendants North Carolina State Board of Elections; Joshua B. Howard, in his official capacity; Rhonda K. Amoroso, in her official capacity; Joshua D. Malcolm, in his official capacity; Paul J. Foley, in his official capacity; and Maja Kricker, in her official capacity is

GRANTED and the Third Claim for Relief is hereby dismissed without prejudice as to the above-named Defendants only.

This the 12th day of October, 2015.

By:



LOUISE W. FLANAGAN
U.S. DISTRICT COURT JUDGE

WE CONSENT:

<p>SHIPMAN & WRIGHT, LLP <i>Attorneys for Plaintiff</i></p> <p>By: <u>/s/W. Cory Reiss</u> GARY K. SHIPMAN N.C. State Bar No.: 9464 gshipman@shipmanlaw.com W. CORY REISS N.C. State Bar No.: 41549 creiss@shipmanlaw.com 575 Military Cutoff Road, Suite 106 Wilmington, NC 28405 Tel.: (910) 762-1990 Fax: (910) 762-6752</p>	<p>NORTH CAROLINA DEPARTMENT OF JUSTICE <i>Attorneys for Defendants North Carolina State Board of Elections, Joshua B. Howard, Rhonda K. Amoroso, Joshua D. Malcolm, Paul J. Foley and Maja Kricker</i></p> <p>By: <u>/s/Alexander McClure Peters</u> ALEXANDER McC. PETERS N.C. State Bar No.: 13654 apeters@ncdoj.gov PO Box 629 Raleigh, NC 27602 Tel.: (919) 716-6900 Fax: (919) 716-6763</p>
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